

1 **Housing Health and Human Services Committee (HH&HS) Item #: 11**

2  
3 February 6, 2013

4  
5 Thomas A. Farley, M.D., MPH  
6 Commissioner  
7 Department of Health and Mental Hygiene  
8 125 Worth Street  
9 New York, NY 10002

10  
11 Dear Commissioner Farley,

12  
13 At its meeting on January 17, 2013, Manhattan Community Board 4's Housing, Health, and  
14 Human Services Committee (HH&HS) reviewed a report from Manhattan Borough President  
15 Scott Stringer calling for reform of the Animal Care & Control (AC&C), a non-profit  
16 corporation which runs New York City's animal shelter system.

17  
18 AC&C, under contract with NYC's Department of Health and Mental Hygiene (DOHMH), is  
19 responsible for rescuing, caring for, and finding homes for New York City's homeless and  
20 abandoned animals. The Borough President's report claims that AC&C's performance has fallen  
21 woefully short of its mission and structural changes in the organization are called for.

22  
23 CB4's HH&H Committee found a number of the report's recommendations for re-structuring  
24 AC&C sensible. At its meeting on February 6, 2013, Community Board 4 recommended by a  
25 vote of in favor, opposed, to urge the Department of Health and Mental Hygiene to work  
26 with the Borough President's office and the City Council to ensure the AC&C is adequately  
27 funded and optimally operated to care for abandoned animals in Community District 4, and  
28 throughout the City.

29  
30 **Going To The Dogs?**

31 The Borough President's report, "Led Astray: Reforming New York City's Animal Care and  
32 Control," claims that AC&C is "failing to provide humane conditions for the animals in its care."  
33 The report says adoptions are down 37% over six years while during the same period the  
34 agency's reliance on shifting responsibility for animals to outside rescuers has increased  
35 dramatically. The report also points out that AC&C has been without a full-time Medical  
36 Director since 2010 and has had eight Executive Directors in the last ten years.

37  
38 In light of this, the Borough President's report calls for financial and managerial reforms of  
39 AC&C. Recommendations in the report include:

40  
41 **1. Restructure AC&C into an independent not-for-profit modeled after the Central Park**  
42 **Conservancy.**

43 The report says AC&C's Executive Director should have complete authority over shelter  
44 operations and an independent board, with board members who know how to fundraise. The  
45 Central Park Conservancy might serve as a model — the Conservancy raises 85% of Central  
46 Park's annual budget (\$38 million last year); but the Parks Department controls Park policy.

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**2. Increase revenue by aggressive private fund-raising.**

The AC&C raised only \$56,276 from outside donors in FY2012 — "a paltry sum," according to the report, "given the City's passionate and highly vocal philanthropic community devoted to animal welfare." The Borough President's office says that in same period, Stray From The Heart, run by part-time volunteers, raised \$156,780 from private funds.

**3. Increase pet licensing and compliance.**

The report wants New York State to transfer licensing enforcement from the DOHMH to the AC&C. This would insure that revenue can go directly to funding shelter operations. The State should also raise licensing fees. And compliance should be raised to 30%, which, according to the report, could generate close to \$20 million annually in revenue.

**A Moral Imperative**

A representative from the Mayor's Alliance for New York City's Animals also attended the HH&HS Committee meeting on January 17th. While not endorsing all aspects of the Borough President's report, the representative was in concurrence with the critical need to restructure the AC&C Board and gain full independence to select their chair and fill vacant public seats. The budget needs be increased to achieve the AC&C's core responsibilities.

Something needs to be done.

CB4 agrees. The care of homeless and abandoned animals in our city is not only a legal charge; it is considered by many to be a moral imperative. CB4 urges the Department Of Health to work with the Borough President and the City Council to bring the Animal Care and Control agency up to the highest standards of animal care.

Thank you,

Corey  
Barbara  
Joe

2  
3 Timothy Day  
4 Chief Operating Officer  
5 St. Luke's Roosevelt Hospital  
6 1000 Tenth Avenue  
7 New York, NY 10019  
8

9 Dear Mr. Day:

10  
11 At its meeting on January 17<sup>th</sup>, 2013, Manhattan Community Board 4's Housing, Health, and  
12 Human Services Committee (HH&HS) heard a presentation from the New York State Nurses  
13 Association (NYSNA) on the proposals issued in December, 2012 by the Public Health and  
14 Health Planning Council (PHHPC) to redesign the Certificate of Need (CON) process. It is our  
15 understanding that their concerns with the redesign were presented as a written statement to the  
16 Public Health and Health Planning Committee at the December 5<sup>th</sup>, 2012 meeting but that they  
17 did not have the opportunity to present their position or participate in the discussion.  
18

19 According to the NYSNA, the proposed CON deregulation will:

- 20 • Make it easier for large private hospitals and hospital chains/systems to cut unprofitable  
21 services, and will shift the burden of caring for patients who rely on these services to our  
22 state's already over-extended public and community hospitals;
- 23 • Expand the scope of operation of for-profit health care providers in New York and opens  
24 the door to market penetration and control by for-profit chains and private investors;
- 25 • Reduce the scope of CON review and oversight of large segments of the healthcare  
26 industry, and thus weaken hospital/provider accountability to the communities they serve,  
27 limit access to quality care, and effectively silence community and patient voices; and,
- 28 • Fail to adequately take into account, and institute, proven, meaningful patient care quality  
29 measures, such as minimum staffing requirements.  
30

31 An example of particular concern for CB4, involves changes after Hurricane Sandy when  
32 administrators at St. Luke's Roosevelt Hospital merged the detoxification unit into a separate  
33 substance abuse rehabilitation unit. It is our understanding that 14 rehabilitation beds have been  
34 lost to detoxification. Those closures should have been subject to Certificate of Need review, but  
35 the hospital services were cut without input from the community or the State.  
36

37 We urge the State to reconsider the PHHPC proposals to ensure community dialog and input into  
38 the redesign. We also urge St. Luke's Roosevelt Hospital to reinstate the rehabilitation beds and  
39 bring to the Community Board any proposed changes impacting care in our district.  
40

41 Sincerely,

42  
43 CJ/BD/JR  
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45 Cc: Continuum Health Partners  
46 Assemblyman Richard Gottfried

1 **Housing Health and Human Services Committee (HH&HS) Item #: 13**

2  
3 February 6, 2013

4  
5 Aileen Gribbin  
6 Forsyth Street Advisors  
7 588 Broadway, Suite 1208  
8 New York, New York 10012  
9

10 **Re: 301 West 46<sup>th</sup> Street**  
11 **Lower Income Housing Plan Application -- Cure and Inclusionary**

12  
13 Dear Ms. Gribbin:

14  
15 At the November 15, 2012 meeting of Manhattan Community Board 4's (CB4) Housing, Health  
16 and Human Services (HH&HS) Committee, Forsyth Street advisors, acting as the representative  
17 for the developer, Riu Hotels, presented a Lower Income Housing Plan Application, for both  
18 Cure and Inclusionary units, for their planned project at 301 West 46<sup>th</sup> Street.  
19

20 The proposed project site, 301 West 46<sup>th</sup> Street, is part of a larger development site that  
21 encompasses five building lots and the transfer of development rights from three adjacent lots,  
22 and extends almost the full length of the Eighth Avenue frontage between West 46<sup>th</sup> and West  
23 47<sup>th</sup> Streets. A component of the project is a zoning-mandated Cure for Harassment on Lot 30.  
24

25 A Cure for Harassment is required on Lot 30 because 301 West 46<sup>th</sup> Street has a documented  
26 history of severe tenant harassment. The New York City Department of Housing Preservation  
27 and Development (HPD) formally denied a Certificate of No Harassment on May 21, 2007  
28 thereby making it subject to Section 96-110(3) of the NYC Zoning Resolution, the Harassment  
29 Cure provision of the Special Clinton District, which requires that any development on a site  
30 with a finding of harassment dedicate i) 28% of the square footage of the building as affordable  
31 housing in perpetuity, or, ii) 20% of the entire development site, whichever is greater.  
32

33 **Current Plan**

34  
35 Riu Hotels is planning to build two hotels on the larger development site, one geared to a  
36 business traveler clientele and the other to a tourist clientele. Additionally, in partnership with  
37 Settlement Housing Fund, they will be building both Cure and Inclusionary Housing on Lot 30,  
38 which will be a separate condominium. Located in one building, the housing will consist of 12  
39 total units, 2 of which will be inclusionary. Both of the Inclusionary units will be three-  
40 bedrooms. The Cure units will consist of three 3-bedrooms, six 2-bedrooms, and 1 2-bedroom  
41 super's unit.  
42

43  
44 **Preliminary Board Review**  
45

46 The Committee would like to thank Forsyth Street Advisors for their presentation of the project.  
47 The Committee was pleased with the presentation and raised many discussion points. While  
48 discussion of specifics was difficult due to the PDF of the plans being unreadable, CB4  
49 subsequently received a PDF that could be clearly read. Due to the robust discussion at the  
50 meeting, the Committee asked Forsyth Street Advisors to return to the Committee with more  
51 complete information. Specifically, the Committee raised concerns about the finishes, the  
52 treatment of the façade of the residential building (it reading as commercial), whether the  
53 building systems for the residential building would be functionally separate, and having multiple  
54 curb cuts for loading on West 46<sup>th</sup> Street’s Restaurant Row.  
55

56 **Unit Count and Distribution**

57  
58 Additionally, the Committee had a lengthy discussion about the proposed size and distribution of  
59 units. After a full discussion, the Committee recommended that the overall number of units in the  
60 residential building should increase. Since the building originally contained 46 units, the  
61 Committee recommended that the Cure should focus on having fewer three-bedroom units,  
62 which are difficult to tenant, and focus more on one- and two-bedroom units, which would  
63 increase the overall unit count. While CB4 appreciates the focus on family-sized units, it does  
64 not believe the ratio of three-bedroom units to total units is appropriate at this site.  
65

66 **Building Separation—Cure Lot**

67  
68 Plans for this site have been presented to CB4 in the past by various owners and CB4 is pleased  
69 that the current owner seems to be making the project a reality. However, the Board remains  
70 concerned that in the future the two hotels could be combined to function as one hotel or at least  
71 share components. As this combination of lots would trigger a need for a larger amount of Cure  
72 square footage, CB4 asks that HPD work with CB4 and the developer to implement specific  
73 provisions that would prevent this future connection.  
74

75 CB4 understands Arden Sokolow has left Forsyth Street Advisors, but looks forward to your  
76 return to the HH&HS Committee for further review.

77 Sincerely,

78 Barbara, Joe, Corey

79 Cc: Mathew Wambua – HPD  
80 Ruthanne Visnauskas – HPD  
81 Miriam Colon – HPD  
82 Alisha Ozeri – HPD  
83 Sara Levenson – HPD  
84 David Wrobel  
85 Riu Hotels  
86 Carol Lamberg – Settlement Housing Fund  
87 Speaker Quinn

1 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item # 18

2  
3 February 6, 2013

4  
5 Dennis Rosen  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Barcade New York LLC d/b/a Barcade**  
12 *148 W 24<sup>th</sup> Street (7)*

13  
14 Dear Chairman Rosen:

15  
16 Manhattan Community Board 4 (MCB4) recommends denial of a new on-premise liquor license  
17 for Barcade New York LLC d/b/a Barcade 148 W 24<sup>th</sup> Street (7), unless the following  
18 stipulation, agreed to by the applicant, is part of the method of operation for this establishment  
19 with a capacity of 150, with 8-10 tables and 40 seat, one stand-up bar with no seating.  
20

21 A signed copy of the questionnaire, stipulations and community agreements are enclosed.

22  
23 Sincerely,

24  
25  
26 Corey Johnson  
Chair

Paul Seres  
Co-Chair  
Business License & Permits  
Committee

Lisa Daglian  
Co-Chair  
Business License & Permits  
Committee

27

2  
3 **MSG Application for a Special Permit and Text Amendments**  
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5 Madison Square Garden (MSG) has applied for a special permit, essentially a renewal of their  
6 1963 arena permit which expired on January 24, 2013, as well as a series of actions to make  
7 changes to the surrounding plaza and to the sign regulations within the Pennsylvania Station  
8 Subarea B4 of the Special Hudson Yards District.  
9

10 MSG is located in CD5, but CD4 would be affected by the proposed changes. At the request of  
11 the Office of the Borough President MSG met with CB4 land use representatives in January, and  
12 CB5 now has asked CB4 for its input on the changes. Because of the timing of that meeting and  
13 of CB5's request, there has not been sufficient time to prepare a formal resolution for  
14 consideration by the Board. Instead, this document will outline the principal issues and propose  
15 preliminary positions for a formal resolution to be drafted after presentation to the Board.  
16

17 **Arena Special Permit**  
18

19 The application for a special permit has no time limit and thus apparently would be in perpetuity.  
20 CB5 wants the permit to be limited to a set period, perhaps fifteen years, with the assumption  
21 that MSG then would move elsewhere, paving the way for a grand Penn Station.  
22

23 With the failure of the plan for MSG to move into the western end of the Farley building across  
24 the street, MSG began an expensive, comprehensive refurbishment of the facility. MSG has  
25 made it clear that they were investing in their existing facility for the long term; it is very  
26 unlikely that MSG will move during any of our lifetimes.  
27

28 CB4 Position (preliminary): Recommend that any special permit granted not interfere with future  
29 improvements to Penn Station. (Talk with Tim Gilchrist, President of Moynihan Station  
30 Development Corporation, about how to phrase this.)  
31

32 **Signage**  
33

34 MSG is requesting changes that would permit them to erect 3,000 sq. ft. LED signs extending to  
35 about 80 feet high on the four escalator towers, and a 5,300 sq. ft. sign on the Eighth Avenue  
36 frontage. The signs would display advertising for MSG teams, as well as third party advertising.  
37 MSG's argument is that they want to bring the excitement inside the arena to the outside, and that  
38 such advertising is a necessary component of any modern arena business plan.  
39

40 CB4 Position (preliminary): The proposed signs are appropriate for Times Square but not this  
41 neighborhood. CB4 doesn't want a brightly illuminated beacon, and in particular it doesn't want  
42 the Farley building bathed in bright flickering lights, and it is concerned about affects on  
43 residential buildings at a distance; keep the excitement inside where it belongs. Even the best  
44 business model is not applicable or appropriate in every situation. The community should not  
45 have to suffer environmental pollution simply because it is in the best financial interest of MSG  
46 and its owners.

47 **Plaza Seating**

48

49 The MSG plans call for plaza seating around the entrances to Penn Station.

50 CB4 Position (preliminary): The plazas are busy thoroughfares and are inappropriate places for  
51 seating.

DRAFT

1 **New Business**

**Item: 24**

2 February 6, 2013

3 The Honorable Pat Donahoe  
4 Postmaster General  
5 United States Postal Service  
6 475 L'Enfant Plaza SW  
7 Washington DC 20260-0010

8 Dear Postmaster General Donahoe:

9 Manhattan Community Board 4 is writing concerning the Old Chelsea Post Office, located at  
10 217 West 18<sup>th</sup> Street.

11 Residents of Chelsea and users of the Old Chelsea Post Office have come to us with a notice  
12 posted by the United States Postal Service (USPS) dated January 11, 2013 that the USPS intends  
13 to sell the Old Chelsea Station. This notice was posted in a place not easily seen by the public  
14 and it caused all kinds of confusion and concern to the community.

15 We have since learned that the intent with the Old Chelsea Station is to sell it and relocate.  
16 However, made it seem that there would possibly no public hearing prior to any sale. We  
17 understand now that USPS still has to comply with federal requirements and hold a public  
18 hearing which will provide the community with the opportunity to comment. We believe  
19 any public input process should start and as soon as possible. We ask that we be included  
20 in all notices that go out.

21 We understand the desire relocate to a smaller facility since the USPS faces serious budgetary  
22 constraints due to reduced mail. Nevertheless, we believe the USPS should maintain services in  
23 the Old Chelsea Station. Unlike other stations this station is heavily relied on by the local  
24 community on a daily basis; as evidenced by the number of phone calls, emails, letters we've  
25 received and by the attendance at our February 6, 2013 Full Board meeting.

26 We look forward to working with USPS to ensure that residents and businesses in the  
27 community do not lose a vital resource. We again ask that USPS communicate with us as the  
28 process goes forward.

29 Sincerely,

30

31 Corey Johnson  
32 Chair  
33 MCB4

34

1 **NEW BUSINESS**

2  
3 February 6, 2013

4  
5 Ms. Margaret Forgione  
6 Manhattan Borough Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 35<sup>th</sup> Floor  
9 New York, NY 10038

10  
11 **Re: Fatality at 41<sup>st</sup> Street and 9<sup>th</sup> Avenue**

12  
13 Dear Commissioner Forgione:

14  
15 While we are grateful for the huge progresses made in the neighborhood, we are saddened that  
16 another horrific hit and run took place in the morning of February 5, 2013 at the intersection of  
17 9th Avenue and 41st Street. Bystanders indicated that the victim died after being hit by one of  
18 the many large trucks making the (west) right turn from Ninth Avenue onto W. 41<sup>st</sup> Street.

19  
20 This issue is not new - there have been 46 injuries and 2 fatalities in recent years at this corner.  
21 The time has come to tackle this issue with urgency. With the recent relocation of two  
22 supermarkets from the 42/41Streets block to further south, a large population of senior shoppers  
23 is now regularly crossing W. 41<sup>st</sup> Street. This is one block south from Manhattan Plaza, home to  
24 3500 residents mostly seniors.

25  
26 As part of the Hell's Kitchen traffic study, there were discussions of barring the right turn at non-  
27 peak hours. We had also requested a split phase since there is already a dedicated turn  
28 lane. Could there be a blinking yellow turning signal?

29  
30 The property located between W. 42<sup>nd</sup> and W. 41<sup>st</sup> Streets is being redeveloped as a hotel. They  
31 will probably ask for a construction lane. Could right turns be barred for the duration of the  
32 construction?

33  
34 As a long-term solution, the Hell's kitchen study had recommended the relocation of the W. 42<sup>nd</sup>  
35 Street southbound turn onto Ninth Avenue to a new contra lane on Dyer Avenue. This fatality is  
36 a stark reminder this part of the study still needs to be completed to provide a permanent  
37 solution.

38  
39 We look to your help in making this crossing safe. The status quo is simply not acceptable. We  
40 cannot continue to lose our neighbors as they get killed and maimed on their way to buy their  
41 food.

42  
43 Thank you for your concerns with this community's safety. We hope to hear from you shortly.

44  
45 Cc: Speaker Christine Quinn, NYC Council  
46 NYS Senator Brad Hoylman

47 NYS Assemblyman Richard Gottfried  
48 Congressman Jerrold Nadler  
49 Manhattan Borough President Scott Stringer  
50 NYPD

DRAFT

**New Business**

February 6, 2013

Mathew Wambua  
Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Robert D. LiMandri  
Manhattan Borough Commissioner  
NYC Dept. of Buildings  
280 Broadway  
New York, NY 10007

**Re: 485-497 Ninth Avenue  
DOB Violations and Orders to Correct  
Certificate of No Harassment & Demolition Restriction**

Dear Commissioners Wambua and LiMandri:

485-497 Ninth Avenue is a blockfront of tenements on the west side of 9<sup>th</sup> Avenue, between West 37<sup>th</sup> and West 38<sup>th</sup> Streets, in Subarea D5 of the Special Hudson Yards District (SHYD). These buildings, under the prior ownership of Martin Fine and the current ownership of David Israeli, have been the subject of long-term tenant harassment, lack of services, and Department of Housing Preservation and Development (HPD) enforcement actions. Housing Conservation Coordinators (HCC), a not-for-profit housing advocate in Clinton/Hell’s Kitchen, has worked with the tenants of these buildings from the early 1980’s to the present. During this time, the tenants have been in court with the owners over 300 times with various legal actions. For years, the long-term owner, Martin Fine, who was regularly named by the Village Voice as one of the City’s top 10 worst landlords, tried to vacate all of the buildings, but was unable to do so.

In 1995, demolition work was being done at 404 West 38<sup>th</sup> Street. During the demolition preparation, the building partially collapsed and a construction worker fell off of the scaffolding and onto adjacent roadway. As a result, the City found that building and two buildings at 501-505 Ninth Avenue, which were occupied with residential tenants, structurally unsound, issued an emergency vacate order, and demolished the buildings. What the owner had attempted to do, remove the long term tenants of these buildings (some with 50 year tenancies), the Department of Buildings (DOB) accomplished with the vacate order. The owner’s very actions led to the City’s demolition order. Today the site of those buildings remains a vacant lot.

46 As part of the HPD enforcement actions, an Article 7A Proceeding was brought to appoint a  
47 7A Administrator. Martin Fine stymied that proceeding for years by putting the buildings  
48 into bankruptcy. In 1996, he sold the buildings to David Israeli, the son of well-known  
49 diamond merchants. Martin Fine then sold the adjacent parking lot and all of the  
50 development rights from the buildings to Dermot Companies. After multiple legal actions  
51 against the long term tenants, David Israeli offered to settle the 7A Proceeding. As part of  
52 that settlement, 493-495 Ninth Avenue was gut renovated and all nine of the remaining  
53 tenants were consolidated into those buildings. David Israeli has repeatedly committed to  
54 renovate the existing vacant buildings and has never done so.

55  
56 On January 24, 2013 a sidewalk shed went up at the tenements on Ninth Avenue. Due to the  
57 location of these buildings within the SHYD, the tenements are subject to both anti-  
58 Harassment and Demolition Restriction zoning provisions. ZR § 93-90 states that before  
59 there can be any material alteration to the building, the owner must obtain a Certificate of  
60 No Harassment (CONH) or, if they are not able to obtain one, must comply with the Cure  
61 Requirements. No application for a CONH has been submitted for these buildings.  
62 Additionally, according to ZR § 93-91, no multiple dwellings in Subarea D5 the Special  
63 Hudson Yards District can be either partially or fully demolished.

64  
65 According to DOB, the sidewalk shed went up because there were Immediate Emergency  
66 Demolition (IED) and Environmental Control Board (ECB) notices sent to the building  
67 owner. DOB stated that these notices were issued due to the poor state of the row of  
68 buildings, which at the time of the inspection, appeared to have experienced substantial  
69 deterioration, due to exposure to the elements and an overall lack of maintenance. This  
70 deterioration is the direct result of 17 years of owner neglect. The buildings have not been  
71 properly sealed, nor have the facades been properly maintained, since David Israeli became  
72 owner. Manhattan Community Board 4 (CB4) needs both DOB and HPD to ensure the  
73 events that occurred in 1995 do not occur again.

74  
75 CB4 requests that:

- 76
- 77 • No action be taken by DOB that encourages or permits any interior or exterior  
78 demolition at these buildings. These buildings have both a long history of tenant  
79 harassment and are subject to the zoning required Demolition Restriction.
  - 80 • Since these buildings were intentionally neglected, the owner should be issued  
81 Orders to Correct the structural and façade issues.
  - 82 • If issues are found with the structural stability of any or all of the buildings and the  
83 owner does not correct these issues, HPD should move to safely correct the issues  
84 and seal the buildings.
  - 85 • Liens should then be placed on the property for the City to recoup full cost of the  
86 repairs.
- 87  
88  
89  
90

91 Thank you for your prompt attention to this important matter.

92

93 Sincerely,

94

95

96 Corey

97

98 Cc: Ruthanne Visnauskas - HPD

99 Deborah Rand - HPD

100 Bea de la Torre - HPD

101 Local Electeds

102

DRAFT

2  
3 ***Note: This Resolution will be updated after further research to reflect the full***  
4 ***history of the text changes to the relevant zoning provisions.***

5  
6 February 6, 2013

7  
8 Mathew Wambua  
9 Commissioner  
10 NYC Dept. of Housing Preservation and Development  
11 100 Gold Street  
12 New York, NY 10038

13  
14 **Re: Special Clinton District, Special West Chelsea District and Special**  
15 **Hudson Yards District**  
16 **Cure for Harassment and Lower Income Housing Plan**  
17 **Applications**  
18 **Public Review and Notice to Community Board**

19  
20 Dear Commissioner Wambua:

21  
22 It has recently come to the attention of Manhattan Community Board 4 (CB4) that  
23 provisions in the New York City Zoning Resolution (ZR) mandating that applications  
24 for a Cure for Harassment be referred to the local Community Board for public  
25 review were inadvertently removed from the ZR. CB4 requests that provisions for a  
26 45 day referral period for public review to the affected Community Board for Lower  
27 Income Housing Plans in accordance with Cure for Harassment provisions be  
28 restored to the Special Hudson Yards District (SHYD), Special Clinton District (SCD)  
29 and Special West Chelsea District (SWCD).

30  
31 There are multiple zoning provisions governing harassment in Community District  
32 4:

- 33  
34
- 35 • SHYD harassment provisions are contained in ZR § 93-90.
  - 36 • SCD harassment provisions are in ZR § 96-110, which references ZR § 23-90  
37 on Inclusionary Housing.
  - 38 • SWCD harassment provisions are in ZR § 98-70, which incorporates by  
39 reference the harassment provisions of the SHYD.

40 The anti-harassment provisions in the Zoning Resolution originated in the SCD in  
41 1973. The Cure for Harassment zoning text originated in the SCD in the early 1990s.  
42 In 2009, as part of an agreement between City Council and the Mayor during the  
43 Hudson Yards negotiations, these provisions were extended to portions of the SHYD  
44 and the entire SWCD. When the SHYD and SCWD language was drafted, revisions  
45 were made to help clarify and clean-up the language from the SCD. That effort was

46 long overdue and greatly appreciated by the community. That clean-up was also  
47 later incorporated into the text of the SCD to ensure consistency among the three  
48 Special Districts. In the course of these text amendments, the reference to public  
49 review of Cure for Harassment projects was unintentionally removed. Thus, none of  
50 the ZR sections governing Cure for Harassment currently require Lower Income  
51 Housing Plan (LIHP) for Cures for Harassment be referred out to the Community  
52 Board for public review and comment.

53

54 In the past, CB4 has received and opined on LIHP applications for Cure sites,  
55 including:

56

- 57 • 300 West 46<sup>th</sup> Street;
- 58 • 500 West 42<sup>nd</sup> Street;
- 59 • 400 West 57<sup>th</sup> Street (the Windermere);
- 60 • 793 Ninth Avenue; and
- 61 • 301 West 46<sup>th</sup> Street.

62

63 Additionally, in anticipation of submission of a LIHP application, CB4 has met with  
64 the owners of:

65

- 66 • 300 West 48<sup>th</sup> Street;
- 67 • 361 West 47<sup>th</sup> Street; and
- 68 • 682-684 Ninth Avenue.

69

70 Findings of Harassment are rare and usually involve a complex history with multiple  
71 owners and many attempts to illegally vacate a building. Such buildings are  
72 frequently the subject of multiple enforcement actions by City agencies. They are  
73 often also the source of numerous tenant legal actions and the involvement local  
74 housing advocacy organizations. Such buildings have been the subject of task forces  
75 led by CB4 and local elected officials and often still have long-term tenants in place.

76

77 For these reasons, Harassment sites are often well-known to the community and  
78 require public review regarding any proposed Cure for Harassment. Our  
79 communities have long held a serious stake in the viability of these highly visible  
80 and often notorious buildings. Local community members and tenants have a right  
81 to have their voices heard in respect to proposed redevelopment. It is crucial that  
82 there be transparent, public review of these serious issues. CB4 requests that public  
83 notice provisions once again be included in the Zoning Resolution for all Cure  
84 projects and will work with HPD to develop text for an appropriate and simple text  
85 amendment. CB4 appreciates your time and attention to this crucial matter.

86

87 Sincerely,

88

89

90

91 Barbara, Joe, Corey  
92  
93 Cc: Ruthanne Visnauskas – HPD  
94 Alisha Ozeri – HPD  
95 Sara Levenson – HPD  
96 Local Electeds  
97

DRAFT